**20/09/2016**

**Reply of Lithuania on the implementation of**

**the Guiding Principles on Business and Human Rights:**

**National Action Plans on Business and Human Rights**

**1. Where a State has developed a National Action Plan (or another specific Government-lead plan to promote responsible business practice in line with the UN Guiding Principles), please share experiences on whether and how the NAP/NAP process has:**

**(e) led to new initiatives to encourage companies to discharge their responsibility to respect human rights (such as mandatory human rights due diligence requirements):**

In June 2016 Article 5 of the Law of the Republic of Lithuania on Equal Opportunities for Women and Men (hereinafter – the Law) was amended. The amendment of the Law obliges an employer or his representative to take measures to prevent employees not only from sexual harassment, but also from any harassment.

**4. Progress made and lessons learned from the implementation of the National Action Plan on Business and Human Rights**

On 18 August 2014 the Government of the Republic of Lithuania approved the document ***“Lithuania’s action plan on the implementation of the United Nations core principles on business and human rights”*[[1]](#footnote-1)** (hereinafter – the National Action Plan on Business and Human Rights). The document indicates actions and measures approved by the Government of Lithuania related to the implementation of the UN guiding principles on business and human rights. Following progress has been made:

**OBJECTIVE 1: ENSURING STATE’S DUTY TO PROTECT, DEFEND AND RESPECT HUMAN RIGHTS**

**A. Legislative measures**

***2. Reforming legal regulation regarding administrative liability***

Aiming to regulate individual administrative liability in the Republic of Lithuania, to separate it from criminal liability, Seimas of the Republic of Lithuania adopted the new code of the Administrative offences on 25 June 2016. The Code will take effect on 1 January 2017.

**B. Anticorruption measures**

***1. Effective implementation of coordinated anti-corruption policy***

The National Anti-Corruption programme has been implemented since 2002; the Programme is approved by Seimas. In 2015, Seimas approved a new National Anti-Corruption Programme for 2015–2025 (currently the principal strategic document on combat with corruption).

The programme provides for a possibility to legalise electronic voting at elections, publish the information about the revenues and expenses of public and municipal institutions in the electronic space through a dedicated information system, declare and publicise the assets, income and interests owned by politicians, civil servants and equivalent persons, and strengthen the supervision of public procurement operations. The objectives and tasks defined in the programme are designed to combat any manifestation of corruption and secure the principle of inevitability of responsibility for corruption activity. It should be noted that in addition to other matters the programme dedicates significant attention to the strengthening the capacities of the law enforcement authorities in disclosing corruption-related criminal activities, reduce and eliminate possibilities for manifestation of corruption in the area of healthcare and social security; increase the intolerance of the public towards corruption and encourage private sector and the society to engage into anti-corruption activities, etc.

The novelty of the programme (as compared to previous programmes) is its enhanced attention to the problems related to corruption in the private sector. In order to combat petty corruption and increase the consciousness of the citizens, Lithuania is intending to create a social promotion system which would encourage citizens to report any corruption activities being or already committed by other individuals to competent authorities, would foster understanding the damage caused by corruption, and the perception that each individual may contribute to a reduction and elimination of this negative phenomenon.

**C. Measures related to research and training on non-discrimination and other human rights**

One of the main measures envisaged in the National Action Plan on Business and Human Rights is the Interinstitutional Action Plan for Promotion of Non-discrimination 2012–2014, coordinated by the Ministry of Social Security and Labour. The purpose of the Plan was to implement educational measures on non-discrimination promotion and equal opportunities, raise legal consciousness, increase mutual understanding and tolerance, raise public awareness about the negative impact of discrimination on equal opportunities.

In total 29 educational measures were implemented. In 2012–2014, a tender for the selection of activity projects of non-governmental organisations working in the area of equal opportunities and non-discrimination promotion was organised. At the end of 2014, the survey on the changes in public attitudes and the causes of discrimination was performed.

On 28 January 2015 the Government of the Republic of Lithuania approved the Inter-Institutional Action Plan for Promotion of Non-discrimination for 2015-2020 (hereinafter – the Plan), seeking to ensure the continuity of the measures of promotion of equal opportunities and non-discrimination. The purpose of the Plan is to reduce discrimination as established in the Law on Equal Opportunities, by raising public awareness and developing respect for all persons. The Plan is coordinated by the Ministry of Social Security and Labour. The Office of the Equal Opportunities Ombudsperson, the Ministry of Justice, the Department of National Minorities under the Government of the Republic of Lithuania, the Department of Youth Affairs under the Ministry of Social Security and Labour, the Lithuanian Labour Exchange under the Ministry of Social Security and Labour, the Department of Supervision of Social Services are involved in the implementation of measures under this Plan.

**D. Measures related to research and training on equality between men and women**

The National Programme on Equal Opportunities for Women and Men 2010–2014 (hereinafter – the Programme) was included in the National Action Plan on Business and Human Rights as a tool envisaging measures on surveys and trainings on gender equality issues. The results of the Programme were discussed at the Inter-Institutional Commission, which was established by the Government of the Republic of Lithuania (Resolution No 266 of 7 March 2000) and consists of representatives of all the ministries and relevant NGOs. The purpose of the Commission is to coordinate activities of national institutions regarding the implementation of the policy of gender equality, provide conclusions and proposals to the national government and other national institutions in the field of gender equality. The results of the Programme are reported by the Inter-Institutional Commission to the Government once a year. Every 5 years an independent external comparative assessment of the overall impact of the Programme is carried out. According to the results of the measures of the previous Programme, a new one was prepared in coordination with all the ministries, municipalities, Office of the Ombudsperson for Equal Opportunities, The Office of the Inspector of Journalist Ethics, National Courts Administration, NGOs, social partners (trade unions and employers’ organizations) and university centers for gender studies.

The fourth National Programme on Equal Opportunities for Women and Men 2015–2021(hereinafter – the Programme) is being implemented in order to achieve *de facto* gender equality in various fields, including labour market, employment, entrepreneurship, equal pay, leadership and decision-making positions etc. The strategic goal of the Programme is a consistent, complex and systematic promotion of gender equality and elimination of gender-based discrimination in all areas.

In order to evaluate the impact of the of the National Programme on Equal Opportunities for Women and Men 2010–2014 (hereinafter – the Programme), referring to the measures envisaged in the National Action Plan on Business and Human Rights, a survey was conducted in order to evaluate the impact of the Programme, especially with regard to the changes in public opinion. This survey showed positive changes in attitudes about women in leadership and decision-making positions, labour market and entrepreneurship.

Seeking to continue the progress made with the previous Programme and aiming to encourage employers to take actions in the field of gender equality and to draw publics’ attention to the existing gender equality issues in the business sector, following goals are foreseen in the National Programme on Equal Opportunities for Women and Men for 2015-2021:

* To establish clauses in legal acts, placing obligation on employers to provide employees with an opportunity to receive information on company's wage systems;
* To establish clauses in legal acts placing obligation on employers to publish information on the average wages of employees by gender at least once a year, taking into consideration the European Commission's recommendations (2014) to strengthen the principle of equal pay for women and men through increased transparency;
* To establish clauses in legal acts placing obligation on employers to inform employees, employees' representatives and trade unions about the level of wages at least once a year, taking into consideration the European Commission's recommendations (2014) to strengthen the principle of equal pay for women and men through increased transparency;
* To prepare a training program on gender equality policy at work for private and state employers;
* To prepare the procedure and criteria for selecting the Most Equal Employer;
* To create and sustain a Network of the Most Equal Employers;
* To organize educational events for social partners and companies striving for social responsibility and gender equality;
* To organize trainings for journalists, trade unions, business companies on gender equality;
* To organize a conference on economic empowerment of women and the importance of gender balance in business;
* To promote female leadership in society and business by organizing female leadership information campaigns.

**E. Measures related to international obligations**

***2. Accession to the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions***

Lithuania is putting continuous efforts to further advance its national legislation and policies, in particular, with a goal to adhere to the requirements of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and to prepare for membership in the OECD Working Group on Bribery in International Business Transactions. For instance, in December 2014 necessary legal amendments were made to the Law of Corporate Taxation and the Law on Income Tax of Individuals that explicitly prohibited tax deductibility of bribes. In November 2015 the Seimas adopted amendments to the Criminal Code for the purpose of fine-tuning the definition of a foreign public official, and repealing the defence of “effective regret” in relation to the offence of trading in influence and the bribery of foreign public officials. It also fine-tunes the definition of “foreign public official” and clarifies that it includes also persons, who hold administrative powers or otherwise ensure implementation of public interest at a legal person or any other organisation, which is controlled by the foreign state.

**OBJECTIVE 2: PROMOTING CORPORATE RESPONSIBILITY AND RESPECT IN THE FIELD OF BUSINESS AND HUMAN RIGHTS**

**A. Implemented and on-going measures for the development of CSR in Lithuania**

***2.National Programme for the Development of CSR***

In 2013–2015, non-governmental organisations, social partners submitted suggestions to the Ministry of Social Security and Labour for promotion of corporate social responsibility initiatives in 2014–2020. On 12 February 2016 with regard to the received suggestions, the Action Plan for Promotion of Corporate Social Responsibility for 2016–2020was approved by the Order of the Minister of Social Security and Labour. The measures of this action plan will be financed in 2014–2020 from the funds of then Operational Programme for EU Funds’ Investments; implementing a specific objective – promoting creation of initiatives increasing social entrepreneurship and corporate social responsibility. Promoting corporate social responsibility, training, consulting, staff exchange, surveys and assessments, public information, campaigns promoting corporate social responsibility, etc. will be organised and financed. Implementation of corporate social responsibility will be promoted, as well as implementation of horizontal responsible business principles, responsible use of resources, socially responsible management of human resources, occupational health and safety, equality between women and men, non-discrimination by age, disability, etc.

***3. The application of CRS principles to the state-owned enterprises***

On 12 January 2010 the Government of the Republic of Lithuania adopted the National Corporate Social Responsibility Development Programme for 2009–2013 (hereinafter – the Programme). One of the main objectives of the Programme is to increase the competences of companies and stakeholders in the field of corporate social responsibility. Seeking to implement this task a Model plan of applying corporate social responsibility and the guidelines for state-owned enterprises on the Plan’s implementation were developed in 2012. The objective of the Plan is to create the necessary conditions for the development of corporate social responsibility in state-owned enterprises and to encourage the state-owned enterprises to apply the principles of corporate social responsibility in their activities.

Moreover, the reform of the state-owned enterprise sector mainly aimed at the promotion of transparency and social responsibility in state-owned enterprises is being carried out in Lithuania since 2010. The introduction of responsible business measures is aimed to ensure that state-owned enterprises both generate the highest returns for the citizens and positively contribute to social stability and the embodying of the principles of responsible business and human rights. The Guidelines for Ensuring Transparency of the Activities of State-Owned Enterprises, approved by the Government of the Republic of Lithuania on 14 July 2010 set out that state-owned enterprises must, among other things, provide the information about the social initiatives and policies implemented by the state-owned enterprises in their annual reports and annual activity reports. Also, the state-owned enterprises shall be subject to all the requirements relating to human rights and social responsibility, which is also obligatory to private legal entities in Lithuania.

**B. Government measures encouraging business enterprises to secure respect for human rights**

***1. National Responsible Business Award***

In 2008 Lithuania has launched the initiative of National Responsible Business Awards. This event is organized annually in order to spread the awareness about the benefits of corporate social responsibility to business and every person, as well as encourage companies to establish corporate social responsibility measures. Since 2013 the Awards have been organised by the Ministry of Social Security and Labour, Ministry of Economy, Ministry of Environment and social partners. The initiative is encouraged by the National Responsible Business Network.

On 1 December 2015 National Responsible Business Awards were organized for the eighth time. 16 companies that achieved greatest awards in social responsibility field were awarded. In 2015 National Business Social Responsibility Forum was held for the first time. In the Forum the representatives from business, academic community, society and public sector shared their experience and insights on the importance of social responsibility in business.

**OBJECTIVE 3: ENSURING ACCESS TO EFFECTIVE REMEDY**

**A. Implemented measures**

***1*. *Improvement of procedures for providing state-guaranteed legal aid***

In 2015–2016 the scope of persons eligible for legal aid was expanded, as property and income levels for provision of secondary legal aid were raised. The scope of persons eligible for secondary legal aid regardless of their property and income was also extended:

* From 1 January 2015 minor children are eligible to receive secondary legal aid regardless of property and income levels when they are victims of crimes against human health, freedom, freedom of sexual self-determination and inviolability, a child and a family, morality and other criminal matters, when pre-trial investigation officer, prosecutor or the court recognize that the participation of an authorized representative is required.
* From 1 January 2016 persons in matters concerning their recognition as legally incapable in certain area, as well as in matters concerning their legal custodian or the revision of decisions on legal capacity are eligible to receive secondary legal aid regardless of property and income levels.
* From 1 January 2016 persons suffering from communicable diseases in matters concerning their forced isolation are eligible to receive secondary legal aid regardless of property and income levels.

In order to enhance efficiency of the administration of legal aid provision from 1 July 2015 5 independent legal aid services where reorganized into 1 Legal aid service with 4 county divisions.

In 2015–2016 developments of state ensured mediation provision procedures were made (rules on provision of state ensured mediation, selection of mediators and etc. were adopted.)

***2. Improvement of civil proceedings***

The Ministry of Justice of the Republic of Lithuania prepared draft laws aiming at improving the legal framework of civil procedure. These draft laws contain the provisions improving the rules on defending public interest in civil proceedings; improving the rules on representation in civil proceedings; modifying the rules on court fees (in certain cases it is proposed to increase a court fee, in certain cases – to decrease it, aiming at proper balance); transferring the functions that are not intrinsic to the judiciary to other institutions; improving the rules on service of documents; improving the rules on arbitration; improving the rules on hearing public procurement cases; improving the rules on sanctions against the abuse of procedural rights; improving the rules on issuing court decisions in absence of claimant or defendant; etc. These draft laws were approved by the Government of the Republic of Lithuania on 16 September 2015 and were submitted to Seimas for consideration.

***3. Promotion of mediation system development and effectiveness***

The special working group established by the Minister of Justice of the Republic of Lithuania prepared draft laws which aim at promoting mediation in civil matters, providing preconditions for simpler and more efficient dispute resolution and reducing the courts’ workload. In order to ensure provision of qualified and effective mediation services, it is suggested to establish additional requirements for the provision of mediation services and to regulate the compilation of the mediators’ list. The mediators' list will be administered by the State Guaranteed Legal Aid Service. It is also suggested to establish mandatory mediation in certain categories of civil disputes before bringing a claim to a court, e. g. in small claims disputes (as from 1 January 2015, these are disputes regarding the amounts not exceeding 1500 EUR). In certain cases, when an amicable resolution of a dispute is likely, mandatory mediation may be ordered by a court. Mandatory mediation would be, in principle, funded from the state budget. Draft laws also regulate peculiarities of mandatory mediation and judicial mediation, the initial and further training of mediators, liability of mediators. In order to promote mediation in civil disputes, it is also suggested to provide for procedural incentives for persons choosing mediation, e. g. a court fees relief. These draft laws were approved by the Government of the Republic of Lithuania on 18 May 2016 and were submitted to Seimas for consideration.

**B. Planned measures**

***1.Introduction of class action institution in administrative procedure***

It is planned that the draft Law on the Amendment of the Law on Administrative Proceedings providing for a group complaint will be submitted to the Government of the Republic of Lithuania on the fourth quarter of 2016.

***2. Evaluation of legal regulation of the institute of pre-trial administrative dispute resolution***

The Law on the Amendment of the Law on Administrative proceedings and the Law on the Amendment of the Law on Administrative Disputes Commissions were adopted by Seimas on 2 June 2016 and took effect as off 1 July 2016. The Law amending the Law on Administrative Disputes Commissions provides for more detailed and certain regulation of pre-litigation procedure of administrative disputes. What is more, it provides for a peace agreement: according to the Law Administrative Disputes Commission is obliged to propose to the parties to conclude a peace agreement; the Law provides for essential required conditions of a peace agreement as well as the procedure and legal consequences regarding conclusion of a peace agreement. It should be also mentioned that decisions of Administrative Disputes Commissions that are not implemented voluntarily can be enforced in accordance with the Code of Civil Procedure of the Republic of Lithuania, i.e., in order to ensure more efficient and faster protection of infringed rights or interests the mandatory judicial review of such decisions is no longer applicable.

***3. Development of peaceful and extrajudicial consumer dispute resolution***

The reform in the field of alternative dispute resolution (ADR) for consumer disputes was carried out as of January 1, 2016 in Lithuania. The aim of the reform was to develop further the system of consumer ADR system stressing amicable settlement of disputes and strengthening effectiveness of the ADR procedures. Full sectoral and geographical coverage of disputes concerning contractual obligations stemming from sales contracts or service contracts concluded between a trader and a consumer and access to ADR is ensured. National legal framework establishes certain quality requirements for ADR entities and ADR procedures in order to ensure that consumers have access to high-quality, transparent, effective and fair out-of-court redress mechanism. Besides, representatives of consumer associations and business organisations are involved in certain new collegial ADR bodies (consumer dispute commissions).

***5. Introduction of the jury institute in courts***

The special working group established by the Minister of Justice of the Republic of Lithuania prepared the Concept Paper on Lay Judges. This Concept Paper proposes to introduce the institution of lay judges in the Lithuanian court system in order to increase the trust of the society in the courts’ system, to further promote the transparency of the courts’ activities and to boost legal education. According to the Concept Paper, lay judges would hear the cases in the courts of first instance together with regular judges. Lay judges would participate only in oral hearing of a case. The Concept Paper proposes the concrete list of categories of civil, criminal and administrative cases where lay judges could be appointed to fulfil their public duty. It is foreseen that lay judges could be appointed either on voluntary basis or on the basis of random selection. The Concept Paper contains provisions on the main requirements for lay judges, their selection procedure, compilation of the lay judges’ list, the role of lay judges, their procedural rights and obligations, guarantees, liability etc. The Concept Paper was approved by the Government of the Republic of Lithuania on 11 May 2016 and was submitted to the Seimas for consideration. If the Parliament adopts this Concept Paper, the Constitution and other laws will have to be amended in order to implement its provisions.

1. <http://www.ohchr.org/Documents/Issues/Business/NationalPlans/Lithuania_NationalPlanBHR.pdf> [↑](#footnote-ref-1)